

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,

CASE NO. CR17-0216-JCC

10 Plaintiff,

ORDER

11 v.

12 RICHARD BLICK,

13 Defendant.
14

15 This matter comes before the Court on Defendant's motion to exclude evidence of prior
16 convictions and imprisonment (Dkt. No. 19). Having thoroughly considered the parties' briefing
17 and the relevant record, the Court DENIES the motion without prejudice for the reasons
18 explained herein.

19 Defendant is charged with Possession of Child Pornography and Receipt of Child
20 Pornography. (See Dkt. No. 7.) The Government notified defense counsel of its intent to
21 introduce Defendant's previous convictions for Rape of a Child in the Second Degree. (Dkt. No.
22 35-1 at 5–6.) Defendant moves to exclude this evidence for all purposes, except impeachment.
23 (Dkt. No. 19 at 1–2) (citing Fed. R. Evid. 609(a)(1)). But Federal Rule of Evidence 414 permits
24 the introduction of prior acts of child molestation, irrespective of the limits of Rule 404(b), in
25 situations such as this. *U.S. v. Redlightning*, 624 F.3d 1090, 1120 (9th Cir. 2010). Defendant has
26 not provided a compelling argument to exclude the convictions, and the Court holds that they are

1 admissible subject to Federal Rule of Evidence 403. *See U.S. v. LeMay*, 260 F.3d 1018, 1022
2 (9th Cir. 2001). The Court reserves its Rule 403 determination regarding this evidence until trial,
3 where the risk of unfair prejudice to Defendant from such evidence will be more readily
4 determined.

5 Accordingly, the court DENIES Defendant's motion without prejudice. (Dkt. No. 19.)

6 DATED this 29th day of January 2018.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE